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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 SEAN MCMANMON, et al

10 Plaintiff,

11 v.

12 G.D. EASTLICK, INC., a Montana  
13 corporation; et al

14 Defendant.

Case No. 3:18-cv-00056-RCJ-CBC

15 **STIPULATED MOTION TO STAY CASE**

16 The parties, by and through their undersigned attorneys, move this to stay all  
17 proceedings in this action pending the conclusion of mediation among the parties scheduled  
18 for July 19, 2019.

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 The parties have agreed to pursue mediation, which is currently set for July 19, 2019,  
21 with Advanced Resolution Management, in the hope of fully and finally resolving the instant  
22 litigation. The parties have further agreed to bring the instant Motion seeking to stay the  
23 proceedings until after the scheduled mediation is concluded. The tolling of the remaining  
24 dates and deadlines in these proceedings will allow the parties an opportunity to attempt to  
25

1 settle this litigation without incurring any more fees and costs than absolutely necessary;  
2 thereby conserving resources for all concerned, including the Court, as much as possible.

3 The Court has the inherent authority to stay proceedings before it. *Mangani v. Merck*  
4 & Co., No. 2:06-cv-00914, 2006 WL 2707459, at \*1 (D. Nev.) (citing *Rohan ex rel. Gates v.*  
5 *Woodford*, 334 F.3d 803, 817 (9th Cir. 2003)). In using its discretion the Court may consider  
6 “any potential prejudice to the non-moving party, hardship or inequity to the moving party if  
7 the proceedings are not stayed, and the interests of judicial economy and efficiency.” *Id*

8 Plaintiffs and Defendants in this action request a stay of the proceedings by this joint  
9 Motion; therefore, no prejudice would result to any party if the stay is granted. Denying the  
10 stay, however, will cause hardship to the parties because absent a stay they face imminent  
11 deadlines for pretrial and other case management activities.

12 A stay of these proceedings pending the conclusion of the mediation among the parties  
13 set for July 19, 2019, promotes the interests of judicial economy and efficiency. If the stay  
14 requested by the Plaintiffs and the Defendants is denied, this Court risks “needlessly expending  
15 its energies” to further manage the case when the case may well settle as a result of the parties’  
16 own accord at the upcoming mediation. *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360  
17 (C.D. Cal. 1997). Further, a stay of the proceedings at this juncture in the case preserves the  
18 status quo and minimizes the expense of the parties’ resources and those of the Court until such  
19 mediation can be concluded. *Mediterranean Enterprises, Inc. v. Ssangyong Corp.*, 708 F.2d  
20 1458, 1465 (9th Cir. 1983) (temporary stay of proceedings applicable to preserve judicial  
21 efficiency and fairness).

## 22 CONCLUSION

23 WHEREFORE, for the foregoing reasons, the parties in the above-captioned case  
24 respectfully request that the Court enter an order directing that (1) this action is stayed pending  
25 the conclusion of the mediation among the parties currently set for July 19, 2019, and (2) the  
26

27 ///

28 ///

1 parties shall notify the Court of the outcome of the mediation within 10 days of the conclusion  
2 of the mediation.

3  
4 Dated this 26<sup>th</sup> day of April, 2019.

5 AMES & AMES, LLP.

6  
7 /s/ Byron L. Ames  
8 BYRON L. AMES, ESQ.  
9 Attorneys for Edward Charles Jobe  
and G.D. Eastlick, Inc.

10 Approved as to form and content by:

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25 IT IS SO ORDERED

26   
27 U.S. MAGISTRATE JUDGE

28 DATED: 5/20/2019

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**ORDER**

IT IS SO ORDERED. The above-captioned matter is stayed. The parties are ordered to file a status report on or before July 29, 2019.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE